



AF/1623

PATENT
Customer No. 22,852
Attorney Docket No. 2405.0167

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)
)
Mads Liendgaard Vigh et al.) Group Art Unit: 1623
)
Application No.: 09/255,655) Examiner: H. Owens, Jr.
)
Filed: February 23, 1999)
)
For: USE OF D-TAGATOSE AS A)
PREBIOTIC FOOD)
COMPONENT)

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DEC 02 2003

TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated
August 27, 2003 of the Examiner.

The item(s) checked below are appropriate:

1. ☐ A Petition for extension of time to respond to the final rejection was filed on [Date] extending the period for response to [Date].
2. ☐ A Petition for extension of time to further extend the period for response to [Date] is enclosed together with a fee of \$[Fee].
3. ☒ The Appeal Fee was paid September 5, 2001. The Board did not render a decision because prosecution was reopened by the examiner on December 13, 2002. No additional appeal fee is required. See MPEP 1208.02.

☐ is enclosed or ☐ is to be charged to Deposit Account No. 06-0916

4. ☐ A check for \$330.00 to cover the above fees is enclosed.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

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Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 26, 2003

By: Charles E Van Horn
Charles E. Van Horn
Reg. No. 40,266

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